

**PLAINTIFF'S OBJECTION TO ORDER
PURSUANT TO FED. R. CIV. P. 72(a)**

EXHIBIT I

Subject: Opposition to 12(c) & Voycheske Affidavit - RESPONSE NEEDED

From: "Shawn Shearer" <shawn@shearerlaw.pro>

Date: 2/21/2018 9:12 AM

To: ""Eidelman, Gary B."" <Gary.Eidelman@saul.com>, ""Cooper, Gillian A."" <Gillian.Cooper@saul.com>

Please see the attached correspondence regarding the Opposition to the 12(c) Motion and its attached Affidavit. As noted in the letter, I need a response by 2:00 pm cst to avoid cost and expense.

Shawn E. Shearer

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— Attachments: —

20180221 Ltr to SEAL re Voycheske Aff and Depo.pdf

113 KB

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February 21, 2018

Via E-mail (Gary.Eidelman@saul.com) (Gillian.Cooper@saul.com)

Gary Eidelman

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Gillian Cooper

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Princeton, NJ 08540-6603

Re: *Barger v. First Data Corporation et al.* - Civil Action No. 1:17-cv-4869
Jennifer Voycheske Affidavit
Depositions of Jennifer Voycheske & Lori Graesser

Gary and Gillian:

I reviewed your Opposition to the Rule 12(c) Motion and the attached Affidavit of Jennifer Voycheske. The Affidavit contains perjured statements. The Affidavit was clearly written by counsel. There are two options.

First, you can pull the affidavit and provide a revised Opposition by the end of day tomorrow, containing absolutely no perjured statements, with our reply due on March 1, 2018. I will notify the Court of the revised briefing schedule with no explanation as to why the schedule has changed.

Second, I will notice back-to-back video depositions of Jennifer Voycheske and Lori Graesser for 1 p.m. this Friday, February 23, 2018, in Omaha. The stenographer is working on locations now and as soon as I know where the depositions will occur, I will serve you notices of deposition for both Ms. Voycheske and Ms. Graesser today.

Please let me know which option you choose by 2:00 p.m. central time today, February 21, 2018.

Very truly yours,



Shawn E. Shearer